

Pedro Ramos/BICY/NPS

12/07/2011 02:30 PM

To "Damon_Doumlele@nps.gov Doumlele"
<Damon_Doumlele@nps.gov>, BARBARA POWELL
<barjnpwll@aol.com>, FRANKLIN ADAMS
<CaptFrankAdams@aol.com>, CHUCK HAMPTON
<cypresshunter99@yahoo.com>,
ddenham@consultant.com, Pedro Ramos
<Pedro_Ramos@nps.gov>, Adornato III Adornato
<jadornato@npca.org>, eeverham
<eeverham@fgcu.edu>, "Gutierrez Jr."
<jpg2esq@gmail.com>, Imacdonald Laurie
<Imacdonald@defenders.org>, karlgreer
<karlgreer@yahoo.com>, millercornell@mindspring.com,
Robin Barnes <robinbarnes1@earthlink.net>,
JimColetta@colliergov.net, DOYLE JENKINS
<wayjen2500@msn.com>, JuneBd29@aol.com,
Richards@fiu.edu, Fuller Manley <wildfed@gmail.com>,
"Curt (Curtis) Witthoff" <witthocu@collier.k12.fl.us>,
Bob_DeGross@nps.gov, Edward_Clark@nps.gov,
Chuck.Collins@MyFWC.com, Nick.Wiley@MyFWC.com,
J_D_Lee@nps.gov, Susan_Rossi@nps.gov, Delia Clark
<delia_clark@comcast.net>, Ron Clark/BICY/NPS@NPS

cc

Subject Fw: BICY Indian uses

All,

Please see my response to Mr. Moller below as it clarifies certain roles and parameters. Knowing that this information may be helpful to others as well, I have asked Damon to post it on PEPC for us.

Thank you,

Pedro

Pedro Ramos
Superintendent
Big Cypress National Preserve
National Park Service
239-695-1103 office
239-695-0416 fax

----- Forwarded by Pedro Ramos/BICY/NPS on 12/07/2011 02:27 PM -----

Pedro Ramos

12/07/2011 02:25 PM
EST

To: LJMoller@aol.com
cc: Bob_DeGross@nps.gov, Chuck.Collins@FWC.state.fl.us,
Commissioners@MyFWC.com, ljmoller@aol.com, Mark_Musaus@fws.gov,
Nick.Wiley@MyFWC.com
Subject: Re: BICY Indian uses

Hi Jack,

Thanks for the message. One of the main things to remember is that we are regulating recreational use by non-native people through the ORV plan - not native people use. Therefore, Native American use of the Preserve is outside of the scope of the ORVAC. I will say that we have communication with the two tribes and a good idea where their people are going and need to keep going. At the same time, that relationship with both tribes keeps getting better every day, which allows us to improve on what we already have. I know that you are worried about non- Indian users being blamed for off road travel and in the past, I have shared that concern. Today, between the good compliance that we are already seeing,

our internal process to document NPS off road administrative travel, and ongoing communication with the two tribes, I feel good about this not being a significant issue to worry about. That said, please know we will continue paying close attention to this issue as we move forward and can certainly talk more about this when we have an opportunity to catch up if you'd like.

There is a misunderstanding by some regarding the ORV Advisory Committee. They are not an independent body that gets into an ongoing exchange with the public at will or on behalf of the agency. As I reminded the committee yesterday and the public present at our meeting, they are charged to work on issues the agency, through me, assigns them. I set the agenda in consultation with my staff and three members of the committee (Franklin, Barbara Jean and David D.). Agenda items are chosen because the agency considers them an immediate priority and we, the agency, can use the ORVAC help on them. Very important to understand, that in accordance with FACA law and their charter, they are not an independent body.

They do not engage independently with the public in responding to correspondence or setting priorities or setting agenda items. The ORVAC relation with the public rather, is that they conduct their discussion in a manner open to the public and they can benefit from comments the public makes during public comment periods scheduled during every meeting. It is important to understand these are opportunities for the public to make comments, not to ask questions of the ORVAC or the NPS. We are constantly trying to make sure people understand this distinction. At the same time, people unable to attend meetings always have the ability to provide public comment through PEPC, and we will pass on that comment to the ORVAC. This public comment opportunity, just like the one we offer to members of the public that attend meetings, is an opportunity to share input, not to ask questions of the ORVAC.

Correspondence addressed to the ORVAC will always be shared with them and accepted as comment and input that may benefit them in their discussions depending on whether the correspondence is related to issues we ask them to work on.

All that said, I want all people interested in BICY issues to always be as informed as we could possibly assist them in being. In line with that and since you are also asking the agency for responses to your questions, I am copying staff so they can assist with answering any questions I may have not covered in this email.

Your message and my email will also be shared with the ORVAC members and posted on PEPC for informational purposes.

As an FYI, we will also be developing a formatted response explaining what I have explained in this email so that people that take the time to write to the ORVAC can be responded to in a way that acknowledges their correspondence and properly educates them as to how the ORVAC operates and how the topics, issues, and priorities are set for the Committee. I am asking staff to develop this formatted response.

Thank you as always for your questions as they often times make us think of things that may not have been on our radar. We really appreciate that Jack!!

Best,
Pedro

Pedro Ramos
Superintendent
Big Cypress National Preserve
National Park Service
239-695-1103 office
239-695-0416 fax

LJMoller@aol.com

12/07/2011 08:04 AM
EST

To: Pedro_Ramos@nps.gov, Bob_DeGross@nps.gov,
Chuck.Collins@FWC.state.fl.us, Commissioners@MyFWC.com,
Nick.Wiley@MyFWC.com, Mark_Musaus@fws.gov
cc: ljmoller@aol.com
Subject: BICY Indian uses

December 7, 2011

Mr. Ramos Superintendent, MR. Collins, FWC, FWC Commissioners, and ORV Committee members,
Mark Musaus, USFWS.:

Since the Indians use swamp buggies, 4x4's, ATVs and airboats and are allowed to travel anywhere, any time, any place in the entire BICY how can the NPS, other groups, and the ORV committee determine if an ORV track, trail, etc were made by an Indian or a non-Indian?

What is the strategy to determine if these of designated trail uses and impacts on the resources where done by the Indians or non-Indians?

On another issue but related; since the Indians are allowed to use their ORVs any place and any time in the entire BICY including the BICY-Addition would they be denied these uses if any part of the BICY or BICY-Addition were classified as Federal Wilderness?

Will the Indians be denied their ORV uses in the Primitive Use areas in the BICY-Addition Units?

Do the Indians have to comply with the 10 PM curfew that prohibits the use of ORVs after this time?

Can an Indian transport a non-Indian into the Primitive Areas on an ORV?

Can an Indian transport a non-Indian on an ORV after 10 PM?

Can an Indian transport a non-Indian on an ORV into any area of the BICY that might be classified as a Federal Wilderness Area?

Finally, since some groups and people consider the use of ORVs in the BICY as harmful to the resources what are they going to do about the open uncontrolled and unregulated use of ORVs by the Indians? How does the use of ORVs by the Indians as they are currently allowed to do today differ from the same uses by non-Indian when it comes to the matter of supposed impacts on the resource?

I would like a response from the ORV committee and from the DOI/NPS/BICY/USFWS.

Sincerely,

L Jack Moller
Katy, TX.